

CITY OF OAKWOOD  
STATE OF OHIO  
NOVEMBER 6, 2017

The Council of the city of Oakwood, State of Ohio, met in a work session at 6:30 p.m. in the conference room of the city of Oakwood, 30 Park Avenue, Oakwood, Ohio, 45419. Council then met in a regular session at 7:30 p.m., in the council chambers of the city of Oakwood.

The Mayor, Mr. William Duncan, presided, and the Clerk of Council, Ms. Lori Stacel, recorded. Mayor Duncan opened the meeting by asking all present to participate in the Pledge of Allegiance.

Upon call of the roll, the following members of Council responded to their names:

MR. WILLIAM D. DUNCAN.....PRESENT  
MR. STEVEN BYINGTON .....PRESENT  
MR. ROBERT P. STEPHENS.....PRESENT  
MRS. ANNE S. HILTON.....PRESENT  
MR. CHRISTOPHER B. EPLEY .....PRESENT

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager  
Mr. Robert F. Jacques, City Attorney  
Mr. Jay A. Weiskircher, Assistant City Manager  
Ms. Carol Collins, Leisure Services Director  
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Barbara Cerny, 201 Maysfield Road, Oakwood, OH 45419  
Gus and Sharon Liapis, 269 Northview Road, Oakwood, OH 45419  
Judy Cook, 924 Far Hills Avenue #4, Oakwood, OH 45419  
Armonde McElligott, 236 Telford Avenue, Oakwood, OH 45419  
Margaret Quinn, 600 Woods Road, Oakwood, OH 45419  
Sarah Quinn, 24 Triangle Avenue, Oakwood, OH 45419  
Stefan Susta, 20 W. Schantz Avenue, Oakwood, OH 45409  
Kevin Jones, 215 Pointe Oakwood Way, Oakwood, OH 45409  
Noelle Baily, 532 Shafor Boulevard, Oakwood, OH 45419  
The Clemmens Family, 1304 Hathaway Road, Oakwood, OH 45419  
Lizzie Schumacher, 20 Spirea Drive, Oakwood, OH 45419  
Allie Jefferis, 648 Wood Road, Oakwood, OH 45419  
Sarah Waechter, 231 Northview Road, Oakwood, OH 45419  
Mike & Jackie Jones, 37 Hadley Road, Oakwood, OH 45419  
Ryan Clark, 307 Corona Avenue, Oakwood, OH 45419  
Ben Aidt, 231 Telford Avenue, Oakwood, OH 45419  
Michael O'Hara, 97 E. Thruston Boulevard, Oakwood, OH 45409  
Will Mittbo, 1226 Far Hills Avenue, Oakwood, OH 45419  
Mary Kidwell, 1000 Hathaway Road, Oakwood, OH 45419  
Kristen Ruscitelli, 238 Hadley Avenue, Oakwood, OH 45419  
Jeff Coudron, 147 Hadley Avenue, Oakwood, OH 45419  
Nancy Welsh, 432 Wiltshire Boulevard, Oakwood, OH 45419  
Patrick Ludwig, 315 East Drive, Oakwood, OH 45419  
Stefanie Campbell, 271 Schenck Avenue, Oakwood, OH 45409  
Kim & Garry Little, 1824 Far Hills Avenue, Oakwood, OH 45419  
Stephen MacGuidwin, 301 Far Hills Avenue, Oakwood, OH 45409  
Mr. & Mrs. Houk, 310 W. Schantz Avenue, Oakwood, OH 45409  
Ian Butt & Emma Harris, 238 Southview Road, Oakwood, OH 45419  
Amy & Joe Bundschuh, 63 E. Thruston Boulevard, Oakwood, OH 45409  
Sarah Rosenbaum, 249 Wonderly Avenue, Oakwood, OH 45419  
Allison Kordik, 52 Corona Avenue, Oakwood, OH 45419  
Brian & Elizabeth Morris, 325 Maysfield Road, Oakwood, OH 45419  
Charles Cerny, 201 Maysfield Road, Oakwood, OH 45419  
Irvin Harlamert, 330 Southview Road, Oakwood, OH 45419  
Matt Arnovitz, 1440 Passport Lane, Dayton, OH 45414  
Nicholas Raines, 115 W. Monument Ave., Dayton, OH 45402  
Jeff Samuelson, 3420 Aston Place, Blue Ash, OH 45241  
Michael Maltinsky, 7530 Elbrook Ave., Cincinnati, OH 45237  
Lynn Wyrick, 5806 Pandora Ave., Cincinnati, OH 45213  
Arvin Miller, 1966 Pacer Tr., Beavercreek, OH 45434  
April Jordan, 10 W. 2nd Street, Dayton, OH 45402  
Brian Barr, *Oakwood Register*



Before beginning the meeting, Mayor Duncan asked for a moment of silence to honor the victims of the Texas church shooting that occurred on November 5, 2017.

Mrs. Hilton advised Council she had read the meeting minutes of the October 2, 2017 regular session and work session, October 16, 2017 work session and executive session, and October 30, 2017 executive session. Mrs. Hilton reported she found the minutes correct and complete. Therefore, it was moved by Mrs. Hilton and seconded by Mr. Stephens that the minutes of the sessions of Council aforementioned be approved as written and the reading thereof at this session be dispensed with. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

#### VISITORS

Scarecrow Row Award Winners – Mayor Duncan recognized the 2017 Scarecrow Row Award winners. Awards and certificates were presented to the following: Third Place – “Trick or Treat, Smell My Feet” by Garrison/Pohlman/Quinn Families; Second Place – “Scare Crowbot” by the Beck Family; First Place – “Fright Flyers” by Speedy Feet (Jeff Coudron); Mayor’s Award – “The Scary Potters & the Whomping Willow” by the Oakwood Environmental Committee.

Beautification Award Winners – Mayor Duncan explained that a video will be shown highlighting all the winners and then he will present framed certificates to those who are at the meeting. He was assisted by Kip Bohachek, Property Maintenance Board Chair. The following properties were shown in the video:

Trevor & Katie Collier, 797 E. Schantz Avenue; Noelle Bailey, 532 Shafor Boulevard; Thomas & Jennifer Adams, 127 E. Dixon Avenue; Matthew & Kacy Ferrara, 1616 Delaine Avenue; Andrew & Anne Jones, 241 Monteray Avenue; Billy & Mimi Combs, 420 Triangle Avenue; Michael & Felicia Shane, 301 Fairforest Circle; Ryan & Sara Schebo, 345 Volusia Avenue; John & Tanya Rhodes, 218 Haver Road; Ed & Meredith Spitzmiller, 143 Wisteria Drive; Paul Michael White, 15 Aberdeen Avenue; Charles & Armonde McElligott, 236 Telford Avenue; Andrew & Leslie Norton, 2418 Delaine Avenue; Paul & Sheila Krasofsky, 328 Orchard Drive; Chris & Terri Jones, 145 W. Peach Orchard Road; Nancy Longo, 218 Dell Park Avenue; Ian Butt & Emma Harris, 238 Southview Road; Jane Haley, 409 Rubicon Road; Clay & Renee Koschnick, 202 Beverly Place; Ashley Ampleford, 50 Telford Avenue; Patrick & Jessica Ludwig, 315 East Drive; Meghan Ewing, 110 Park Road; Gus & Sharon Liapis, 269 Northview Road; Andrew & Natalie Kummerer, 833 E. Schantz Avenue; Lt. Colonel Buckley O'Day & Elen Rossi, 700 Shafor Boulevard; Lawrence & Nancy Welsh, 423 Wiltshire Boulevard; Richard & Emma Kip, 245 Monteray Avenue; Daniel & Kristen Strong, 2726 Shroyer Road; Dr. Eric & Jennifer Fester, 145 W. Hadley Road; Nancy Campbell, 224 Grandon Road; William & Jeanette Rudy, 120 W. Schantz Avenue; Joe & Amy Bundschuh, 63 E. Thruston Boulevard; Willam & Laura Clemmens, 1304 Hathaway Road; Eric & Veronica Goad, 1130 Acorn Drive; David Guy, 14 Lonsdale Avenue; Garry & Kim Little, 1824 Far Hills Avenue; Bernard & Linda Berutti, 232 Orchard Drive; The Flower Shoppe, 2316 Far Hills Avenue; Michael & Jacquelyn Jones, 37 W. Hadley Road; Jon & Fran Hoak, 116 W. Thruston Boulevard.

#### LEGISLATION

##### A RESOLUTION

BY MAYOR DUNCAN NO 1840

DEDICATING THE PUBLIC GREENSPACE AT THE NORTHEAST  
CORNER OF SCHENCK AND OAKWOOD AVENUES AS “COOK  
PARK” IN HONOR OF FORMER OAKWOOD MAYOR JUDY COOK.

A copy of the resolution, having been placed on the desks of each member of Council prior to introduction, was read by title.

Mayor Duncan then read the following:

*A RESOLUTION DEDICATING THE PUBLIC GREENSPACE AT THE NORTHEAST  
CORNER OF SCHENCK AND OAKWOOD AVENUES AS “COOK PARK”  
IN HONOR OF FORMER OAKWOOD MAYOR JUDY COOK.*

*WHEREAS, for over 30 years, and continuing to this day, our friend and respected  
colleague, Judy Cook, has devoted much of her life in volunteer service to the city of  
Oakwood and the Greater Dayton region; and*

*WHEREAS, Judy’s service to the city of Oakwood includes three years as a member of  
the Oakwood Planning Commission (1987-1989) and twenty years as an elected member  
of Oakwood City Council (1990-2010), where she served in the role of Vice Mayor from  
1996 to 2002 and Mayor from 2002 to 2010; and*



WHEREAS, during her eight years as Oakwood Mayor, Judy distinguished herself throughout the Miami Valley by actively participating in many regional events and efforts and served as a member of many regional organizations, to include the following:

- The Greater Dayton Mayors & Managers Association (serving as president from 2006 to 2008);
- The First Suburbs Consortium of Dayton (serving as Chair in 2009);
- The Montgomery County Human Services Levy Council;
- The Sinclair Community College Foundation Board; and
- The Montgomery County Homeless Solutions Policy Board; and

WHEREAS, Judy further distinguished herself by guiding the city through many challenging issues and special events, including the following highlights:

- Establishing the annual Oakwood/Kettering Dr. Martin Luther King, Jr. Celebration event;
- Chairing the 2008 Oakwood Centennial Committee, where she led a team of over 250 citizen volunteers to plan, organize and conduct the fabulous community celebration;
- Opening Hawthorn Hill to the public through extensive efforts and collaboration with the Wright Family Foundation, Carillon Park and the National Park Service; and
- Shepherding the development of the former NCR Sugar Camp Property into the Sugar Camp Professional Office Park and the Pointe Oakwood residential development; and

WHEREAS, Judy's efforts in service to her community have been recognized throughout the Greater Dayton region, resulting in her selection by the Dayton Daily News as one of the Top Ten Women in the Miami Valley (2005); by the Junior League of Dayton as a recipient of the Katherine Kennedy Brown Award for dedication and commitment to service (2016); and by the YWCA as a recipient of the Women of Influence award (2017); and

WHEREAS, in all of her volunteer service, Judy Cook has demonstrated an extreme commitment to fulfilling and exceeding the responsibilities of any task undertaken, and a never-ending drive to do what is best for the citizens of Oakwood and the Miami Valley; and

WHEREAS, Judy and her husband, Orval, lived on Schenck Avenue from 1982 until 2013, where they often took their young grandchildren to the (then undeveloped) corner park to enjoy a snack and watch the traffic go by; and

WHEREAS, through the private donations of numerous Oakwood residents, a grant from the Montgomery County Solid Waste District, and donations from the Oakwood Historical Society, the Moms Group of Oakwood, and the Oakwood Rotary Club, that same corner park has now been developed into a beautiful pocket park, with playground equipment to be enjoyed now and in the future by new generations of Oakwood children; and

WHEREAS, Council wishes to recognize Judy Cook's tireless service to the city, and finds that it is fitting and proper to name the park "Cook Park" and dedicate the same in Judy Cook's honor;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO:

#### SECTION I.

The Council of the City of Oakwood accords special recognition to Judy Cook for her decades of exemplary public service.

#### SECTION II.

Through this resolution, Council hereby names and dedicates the public greenspace at the northeast corner of Schenck and Oakwood Avenues as "Cook Park," in honor of our friend and colleague, former Mayor Judy Cook.

Thereupon, it was moved by Mayor Duncan and seconded by Vice Mayor Byington that the resolution be passed.



Upon call of the roll on the question of the motion, the following vote was recorded:

MR. WILLIAM D. DUNCAN.....YEA  
 MR. STEVEN BYINGTON.....YEA  
 MR. ROBERT P. STEPHENS.....YEA  
 MRS. ANNE HILTON.....YEA  
 MR. CHRISTOPHER EPLEY.....YEA

There being five (5) yea votes and no (0) nay votes thereon, said resolution was declared duly passed and it was so ordered.

Mrs. Cook addressed City Council. She shared that there is so much about this park that reminds her of why she has such a passion for the city of Oakwood. There are so many wonderful things that happen in Oakwood as a result of a private citizen bringing forward an idea. Oakwood residents organized the idea of this park and brought the idea to Oakwood city staff. Oakwood citizens have full access to city staff and City Council and this is one of the strongest hallmarks of the city of Oakwood. She applauded City Council and city staff for always having an ear to listen, for always being so approachable and for having such great transparency. She added that she hopes these are the types of things people think about when they think about Cook Park. For her personally, this honor shows a sense of approval for the things she accomplished while she was mayor. She ended with a story about her 6-year old granddaughter making posters titled "Cook Park" that she distributed in each room of Mrs. Cook's condo. Her granddaughter commented that now they can all live in Cook Park.

Mayor Duncan shared that City Council truly appreciates Mrs. Cook's efforts in the city of Oakwood, and for helping others to engage in public service.

#### AN ORDINANCE

BY MR. STEPHENS NO. 4846  
 TO APPROVE CURRENT REPLACEMENT PAGES TO THE  
 OAKWOOD TRAFFIC AND GENERAL OFFENSES CODES.

A copy of the ordinance, having been placed on the desks of each member of Council prior to introduction, was read by title.

Mr. Stephens explained that each year, Oakwood City Council passes an annual house-keeping ordinance to align Oakwood local traffic and criminal ordinances with changes that have been made at the state level. This is a first reading of that ordinance, which will adopt the 2017 replacement pages for the Traffic Code and the General Offenses Code.

This is a first reading of the ordinance, so Mr. Stephens made no motion.

#### AN ORDINANCE

BY VICE MAYOR BYINGTON NO. 4847  
 TO AMEND SECTION I, 2017 ORIGINAL APPROPRIATION  
 ORDINANCE NO. 4832, AND SUPPLEMENTAL APPROPRIATION  
 ORDINANCE NO. 4843, TO PROVIDE FOR THE APPROPRIATION  
 OF:

AN ADDITIONAL AMOUNT OF \$45,000 TO BE EXPENDED  
 FROM THE CAPITAL IMPROVEMENT FUND FOR THE  
 PURPOSE OF EXPANDING AND ENHANCING EXISTING  
 FIBER OPTIC INFRASTRUCTURE IN PARTNERSHIP WITH  
 MIAMI VALLEY COMMUNICATIONS COUNCIL ("MVCC")  
 MEMBER COMMUNITIES;

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE  
 FISCAL YEAR ENDING DECEMBER 31, 2017.

A copy of the ordinance, having been placed on the desks of each member of Council prior to introduction, was read by title.

Vice Mayor Byington explained that this is a supplemental appropriation ordinance that is necessary to address an important capital project. In 2014, Oakwood partnered with Kettering, Centerville and the Miami Valley Communications Council ("MVCC"), with MVCC as the lead agency, to apply for a grant under the state's Local Government Innovation Fund. The group awarded a grant of \$100,000, which provided the resources to study existing fiber optic infrastructure in the area, and develop a plan to add additional fiber and build a network that could be of significant value to all MVCC member communities.



As a result of that study, a proposal has emerged to expand some 16.3 miles of existing fiber into a 45.2 mile fiber ring (the "Fiber Ring Project"). The Fiber Ring would provide broadband connectivity to the cities of Oakwood, Centerville, Kettering, Miamisburg, Moraine, Springboro, and West Carrollton, as well as MVCC. Users of this infrastructure would include all of these communities, as well as customer users to include local school districts and other non-profit and tax exempt organizations.

This is an exciting infrastructural development because there are many long-term uses and benefits of the Fiber Ring. Some of the expected uses include:

- Sharing of technology services, capabilities and skill sets among MVCC communities;
- Joint cooperative projects such as crime mapping and shared 9-1-1 systems, without having to contract for third-party data circuits;
- Large data sharing initiatives such as traffic video, law enforcement dash/body cam video, and the like;
- Lower IT and telecomm expenses and increased internet bandwidth for all users;
- An improved path to MVCC to transmit council video, avoiding anticipated charges for existing council video fiber;
- Direct connectivity to the Ohio Academic Research Network; and
- Opportunities for business development throughout the MVCC communities.

The finished Fiber Ring Project will be a combination of city-owned fiber and private network-owned fiber that will be accessed through shared use agreements, and the project is projected for completion in 2018.

The total cost to build the Fiber Ring Project is about \$935,000, of which \$225,000 would be paid as lease revenue from the Kettering School District. The remaining \$710,000 would be paid by the seven participating MVCC communities, with Oakwood's contribution to be approximately \$45,000.

In order to pursue this project, Council must adopt an amendment to the current appropriation ordinance. This amendment will appropriate an additional \$45,000 from the Capital Improvement Fund.

This is a first reading of the ordinance, so Vice Mayor Byington made no motion.

#### AN ORDINANCE

BY MR. EPLEY

NO. 4848

TO AMEND "APPENDIX A" OF THE STREETS AND PUBLIC  
SERVICES CODE OF THE CITY OF OAKWOOD, OHIO,  
THEREBY INCREASING RATES CHARGED FOR SANITARY  
SEWER UTILITY SERVICES.

A copy of the ordinance, having been placed on the desks of each member of Council prior to introduction, was read by title.

Mr. Epley explained that this is an ordinance to increase rates for the Sanitary Sewer Utility which serves all residential and commercial structures in the city.

The city has operated a Sanitary Sewer Utility for many years, but Oakwood does not own or operate its own sewage treatment facility. Oakwood has local sewer personnel and city sewer infrastructure, but sanitary sewer waste is treated at facilities owned by the city of Dayton and by Montgomery County. Each year, Oakwood contracts with Dayton and Montgomery County for the use of their pipes and treatment infrastructure.

The costs of Oakwood's own city personnel and infrastructure maintenance account for approximately 25% of the Sanitary Sewer Utility rates charged to Oakwood residents, while the cost of contracting services from Dayton and Montgomery County account for approximately 75% of those rates. Oakwood has not raised rates since 2009, but in the eight years since then, Oakwood has absorbed five increases in the Dayton rate and three increases in Montgomery County's rate. On average, each Dayton increase was over 4%, and each Montgomery County increase was over 3%. An additional Montgomery County increase of 14% is scheduled to take effect in 2018.

In short, Oakwood's Sanitary Sewer Utility cannot sustain further increases in these outside costs without an adjustment to the rate. The City Manager has proposed an increased rate schedule, with adjustments to eliminate the minimum use credit, eliminate the second tier consumption rate, and increase the standard consumption rate. For typical household water usage of 1,000



cubic feet per month, these changes will result in an increase of \$12.77 per month on a property owner's combined city utility bill.

This is a first reading of the ordinance, so Mr. Epley made no motion.

Public Hearing. Mayor Duncan introduced the public hearing for Application 17-2, which requests an amendment to the Sugar Camp/Pointe Oakwood Master Plan.

Mayor Duncan explained that there is a public hearing on the agenda and established guidelines for the hearing. Mayor Duncan then asked Law Director Rob Jacques to administer an oath to those who wish to testify.

Mr. Jacques proceeded to swear in the visitors that plan to testify, *en masse*.

Mr. Byington recused himself as he resides near the proposed development. He stepped down from the Council dais and took a seat among the audience.

Mayor Duncan asked Assistant City Manager Jay Weiskircher to present the staff report.

Mr. Weiskircher referenced a PowerPoint presentation and explained that this application has two parts. The first part involves a request to amend the current Sugar Camp/Pointe Oakwood Master Plan. The existing 4.3 acres is currently designated for residential use and the applicant is requesting the parcel be redesignated for office use. The second part of the application involves special use approval to construct a 3 story, 22,000 square foot office building.

Mr. Weiskircher reviewed the application review process. The Planning Commission held a public hearing on October 18, 2017 and by a vote of 3-0, the application was recommended to Oakwood City Council to approve: 1) the requested use amendment to the Sugar Camp Master Plan; and, 2) the proposed site plan. City Council is holding a public hearing this evening and by a majority vote can approve, deny, or approve with conditions the requested Master Plan amendment and proposed site plan.

Mr. Weiskircher reviewed the detailed history of this parcel including the 2007 original Sugar Camp/Pointe Oakwood Master Plan, 2008 and 2012 Amendments, and the existing Master Plan. Both the 2004 Comprehensive Plan and Subarea Plan identify office uses as preferred land use within the Sugar Camp area. These documents also recommend that new construction be limited to 3 to 4 stories in height, and that architecture and landscaping be compatible with the surrounding existing development.

Mr. Weiskircher stated that the first part of the proposal before City Council is exactly what was specified in the language of the 2017 Settlement Agreement between the City, Hills Properties, Oakwood Investment Group and a group of immediate neighbors. He read the following excerpt:

*"Subject to approval through the city of Oakwood's established process and procedures, OIG will pursue the development of the five-acre tract in the southern part of Pointe Oakwood – an area not involved in either the Trail development or the Pointe Development – to construct an office building no more than three stories high, with access from Sugar Camp Circle".*

Mr. Weiskircher discussed the history of the site, sharing historic photos followed by recent photos depicting current site conditions. He explained that the applicant intends to retain all healthy, mature trees on the site; dead trees will be removed and new vegetation added. He explained that the layout of the site necessitated the addition of a special turn-around area for large safety vehicles. There will only be 30 parking spaces at this site. He explained that there will only be 20 employees at Russell Wealth Management with a maximum of 10 clients on-site on any given day. The proposed new building is approximately half the size of existing Building D and would be the second smallest on the Sugar Camp campus, and presented slides depicting all elevations of the proposed building.

He stated that the planned building materials consist of buff-colored limestone with metal roof components. The Planning Commission has recommended that the east side sign remain as long as it is not backlit as originally proposed. He explained that Siebenthaler's developed the landscaping plan and Oakwood's Director of Leisure Services and Horticulture, Carol Collins, was involved in reviewing the plan. Mr. Weiskircher said it was important to the applicant and the city that they be good neighbors, particularly to the residents of Pointe Oakwood and those residing along W. Schantz Avenue. Special attention was given to the screening along W. Schantz Avenue and the east hillside. Landscaping will be significantly enhanced over what is currently in place with year-round color.



After detailing the proposed plan, Mr. Weiskircher stated that rather than getting into the special use standards at this time, he recommends that the applicant make their presentation and then the citizens address City Council. He reserved time to come back to address the special use standards.

Mr. Jeff Samuelson addressed City Council on behalf of Russell Wealth Management and thanked them for their time. He also thanked Mr. Weiskircher and city staff for working with the Russell Wealth Management team throughout this entire process. He introduced the Russell Wealth Management Team. He shared that as a kid, he often drove through Oakwood and admired the beautiful architecture, which encouraged him to become an architect.

Mr. Lynn Wyrick, an architect with Glaserworks, approached and reiterated the fact that all involved were happy to be working on this project in Oakwood. He stated that when they got started with this project they had three goals: 1.) Function, including the needs of Russell Wealth Management; 2.) Maintaining the character of the site; and, 3.) Mediation between the scale of the Sugar Camp buildings to the west and the newer homes in Pointe Oakwood to the east.

Mr. Wyrick referenced a PowerPoint presentation with renderings of current conditions. He stated that the intent with regard to landscaping is to preserve mature trees, remove dead trees and keep larger scale plantings away from the entrance to the site. He stated that typical plans do not look natural and they tried to do better than that with year-round color, effective screening and providing a mixture of trees. The intent was to create a natural looking screening with various layers of trees rather than a wall of trees. Mr. Wyrick added that there are retaining walls which they intend to soften with vegetation and vines. Landscaping was introduced in the parking lot to mitigate the parking lot feel. In terms of grading, he stated that W. Schantz Avenue is a few feet lower than their site and he presented a slide of a site plan in which they intend to mediate the scale and elevations.

In terms of materials, Mr. Wyrick stated that in developing this building they wanted to acknowledge existing buildings and homes and do something similar with the new building. Limestone and metal materials are planned for the building. The plan is to bridge contemporary and traditional styles as well as residential and commercial uses. Mr. Wyrick stated that much time was spent on developing a building to complement the scale and design of existing homes near the site and showed several slides depicting various views of the design.

Mr. Stephens asked if there will be grass on the hill.

Mr. Wyrick answered yes.

Mr. Stephens asked if either of the signs will be illuminated.

Mr. Wyrick stated that the sign facing west, towards Sugar Camp will be, but not the one facing east, consistent with the recommendation from the Planning Commission.

Mr. Stephens said that with the hill being close to the parking lot, he asked what is being done to prevent water from running off down the hill toward Pointe Oakwood.

Mr. Wyrick stated that the stormwater will be drained in the other direction. The water will flow into the existing storm sewer systems.

Mr. Matt Arnovitz, realtor for Russell Wealth Management, stated that his team began searching for potential sites approximately 18 months ago and once they found the Sugar Camp site, it was the preferred location. He shared that being a member of the Beth Abraham Synagogue Board, he presented this proposed application to the Board and it was well received and members of the Board were excited for the proposed development.

Mr. Kevin Jones, 215 Pointe Oakwood Way, shared that he lives in the last house at the top of the hill and he would be the one most impacted by the proposed building. He reviewed the plans and was very impressed. He fully supports the application and believes that it will be a fantastic addition to Sugar Camp and to the city of Oakwood.

Mrs. Barbara Cerny, 201 Maysfield Road, shared that she is the spokeswoman for 66 neighbors in Hatcher Hills who signed a petition and oppose construction of the building proposed in this application. She said that people live in Oakwood for different reasons, but they look to move here because of the way the city looks and feels. City Council spoke about doing things in collaboration with citizens, but no one spoke to the residents in Hatcher Hills. This group wants to preserve the beauty, the architectural integrity and the historic nature that is in Oakwood. The 2004 Comprehensive Plan talks about making sure that all architecture is compatible with the



surroundings. She believes this has been taken out of context. While this proposed building matches Sugar Camp, she asked that everyone remember that Sugar Camp was only purchased 10 years ago. The residents of Hatcher Hills look south to the rest of Oakwood and this is what she believes needs to be in the Sugar Camp space. New businesses are welcomed, including Russell Wealth Management, but Sugar Camp has morphed from houses to duplexes to apartments, etc. Hatcher Hills is much closer to this proposed building than Pointe Oakwood. It is not about size or elevation, it is about the façade of the building. The architecture is not related to Hatcher Hills or Pointe Oakwood; it is related to Sugar Camp. Mrs. Cerny shared concern as to why with only 20 employees, 22,000 square feet is needed. This would not maximize income tax revenue or property taxes. She would welcome Russell Wealth Management if they were on the appropriate sized land and if the building preserved the architectural integrity of Oakwood.

Mr. Stefan Susta, 20 W. Schantz Avenue, stated that he was part of the previous opposition to condos at Pointe Oakwood. He lives in Hatcher Hills and he does not have any objections to this application. He shared that the architecture and landscaping efforts by the applicant have been fabulous and he is satisfied that the proposed building will add value to Oakwood.

Ms. April Jordan, representing Oakwood Investment Group (OIG), approached Council and shared that she is attending to express support of the application from OIG. She added that there will not be a better fit under the Settlement Agreement.

Mrs. Sarah Waechter, 231 Northview Road, thanked the city for providing information and for being so transparent. She shared that she believes the building will compliment Oakwood and it will be a good fit. She appreciates the efforts as it relates to the proposed landscaping. One of her main concerns was the traffic in the area, but with a minimal number of employees, she does not feel this will be an issue.

Mr. Irvin Harlamert, 330 Southview Road, shared that he walks and drives on W. Schantz almost every day, and he would have to look at the proposed building the rest of his life. He urged City Council to carefully consider the application being presented this evening. He believes the architectural design is even more offensive than the existing three Sugar Camp office buildings and the synagogue. He then posed two questions: 1.) Why can't the parking lot be on the other side of the building; and, 2.) Why can't we get an architectural design that is a blend between the commercial buildings to the west and the residential neighborhoods. He shared that when he spoke to Russell Wealth Management representatives, they impressed upon him that they like this location because of the exposure that it gives them. He referenced a photo that he left on the dais for City Council and city staff, and explained that the proposed building is located one block from Far Hills Avenue and does not have much exposure. He suggests they move the proposed building to the 1.5 acre lot at the corner of Far Hills Avenue and Old River Trail to accommodate their need for exposure. He then provided an overview of an alternative proposal. He suggested that the alternative proposal would be compatible with the residential buildings to the east and south with a classic residential design. The building would be one to two stories in height, and would include underground parking. Mr. Harlamert also referenced a letter he placed on the dais for City Council and city staff from Irvin and Tracey Bieser. Mr. Harlamert asked that the requested application be tabled, and asked City Council to consider setting up a meeting with a group from Hatcher Hills, Russell Wealth Management and city staff for an informal discussion.

Ms. April Jordan, shared that the 1.5 acre parcel that Mr. Harlamert suggested is owned by Randall Residence and it is not for sale.

Mr. Matt Arnovitz, stated that the development team has tried to encourage neighbor discussions, but when they held a neighbor meeting, Mr. Harlamert was the only person who attended the meeting. He added that they would like to get started on the development as soon as possible.

Mr. Irvin Harlamert shared that he attended the neighbor meeting, but he didn't get an invitation. He added that he did not give Russell Wealth Management the impression that he was for or against the proposal.

Mr. Charles Cerny, 201 Maysfield Road, reminded the group that in the last ten years there have been other developments and improvements that are compatible with the area, such as the Oakwood City Building and the schools. Citizens of Oakwood want to have a similar transitional capability and transitional view with this proposed building as well.

Mr. Brian Morris, 325 Maysfield Road, shared that he feels good about some of the things in the proposed application, such as the landscaping, but he joins the Hatcher Plat petition against the application.



Mr. Stephen MacGuidwin, 301 Far Hills Avenue, shared that he recently moved to Hatcher Hills. He came into the meeting with an open mind and he believes that in the course of hearing the plans that this could be the best commercial design, but he asked that the land be used instead to expand the residential area. He also requested that the signs not be illuminated.

There being no further public testimony offered, Mayor Duncan closed the public hearing and asked Jay Weiskircher to review the special use standards before City Council began its deliberations.

Mr. Weiskircher approached City Council and explained that all of the special uses either meet or exceed the nine special use standards. By a vote of 3-0, the Oakwood Planning Commission recommended approval of the change of use and proposed site plan for the 4.3 acre parcel with the condition that the proposed sign on the east side of the building not be illuminated.

Mayor Duncan called for a five minute recess due to the length of the hearing. Council, city staff, and audience members left the council chambers and returned after approximately five minutes.

Mayor Duncan shared that City Council was provided the staff report and has reviewed the special use standards. Motion to approve and adopt staff findings regarding the special use standards by Mayor Duncan; second by Mr. Epley. Upon viva voce vote, motion passed and special use standards were approved and added to the record.

### **SPECIAL USE STANDARDS**

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.

#### **PRELIMINARY STAFF FINDINGS:**

- The proposed use is consistent with the recommendations in the 2004 Comprehensive Plan that corporate offices, and general tenant office space would be an appropriate use for the Sugar Camp acreage. Moreover, the proposal also meets the stated site development guidelines that the property be developed as a “campus-type” environment with a well-landscaped and attractive physical setting that does not adversely impact the existing residential neighborhood.

- B. The proposed building or use will not adversely affect or change the character of the area in which it is located.

#### **PRELIMINARY STAFF FINDINGS:**

- The use of the proposed building for office purposes is consistent with the business uses of the 12+ acre Sugar Camp site that have existed since 155,000+ square feet of office/training space was constructed in the late 1960’s. Even prior to that, NCR used the property for business purposes dating back to temporary tents originally used in the early 1900’s and then replaced in the 1930’s when more than 50 cabins were built on the site.

Ingress and egress to the building will be from the existing signalized intersection at W. Schantz and Kramer Road, and there is no reason to believe that traffic from the proposed building will impact the adjoining neighborhood streets.

In addition, although the proposed building does not mirror the nearly 48 year old architecture of the existing buildings, the designers are using complimenting building materials with a compatible 21st century architectural theme designed to link the eclectic architecture themes and building scales in the immediate area.

- C. That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare.

#### **PRELIMINARY STAFF FINDINGS:**

- There is nothing to suggest that public health, safety, morals, comfort, convenience or general welfare will be at risk since the proposed use of the land is consistent with the business uses that have existed on the site for well over 100 years. As far as safety is concerned, a great deal of time has already been spent by the site engineers on issues pertaining to fire safety and how the building will be accessed by safety vehicles and personnel. There were a number of iterations and modifications to the original site plan in response to issues raised by both Kettering and



Oakwood fire officials and those issues have been satisfactorily addressed. The T-Hammerhead at the southwest corner of the site was specifically constructed to provide a turnaround area for engines and ladder trucks.

- D. That the proposed use will not be injurious to the reasonable use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.

PRELIMINARY STAFF FINDINGS:

- With less than 20 employees expected to work in the building, and given the nature of the services being provided to the public, on most days, there will in all likelihood be less than 10 visitors to the building – far fewer than most of the physician office spaces already existing within Sugar Camp.

In developing the tree and landscape plan for the site, special attention was given to enhancing the landscaping along W. Schantz Avenue, screening the parking lot, and establishing a vegetation buffer along the hillside on the east side of the site between the building and the Pointe Oakwood residential area. Of equal importance is the fact that most of the existing large canopy trees on the site will be maintained.

- E. The proposed use at the specified location will not significantly adversely affect the use and development of adjacent and nearby properties in accordance with the regulations of the district in which they are located. The location, size and height of proposed buildings and other structures, and the operation of the use will not significantly adversely affect the use and development or hinder the appropriate development of adjacent and nearby properties.

PRELIMINARY STAFF FINDINGS:

- This could potentially be the last commercial building constructed on the Sugar Camp campus and its proposed use is consistent with the existing office space on the site. The size and height of the proposed building along with the exterior building materials complement the existing buildings at Sugar Camp.

- F. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood.

PRELIMINARY STAFF FINDINGS:

- The Comprehensive Plan suggests that architecture and landscaping treatments should be compatible with the surrounding existing development. As already mentioned, the existing buildings are more than 48 years old and the applicant is proposing a building which, while being sensitive to the other buildings in the immediate area, is also distinctive in its appearance, reflecting 21st century architecture. The primary exterior building material is a buff-colored limestone that compliments the stone on the existing Sugar Camp buildings.

The applicant has also gone to great lengths to preserve as many of the mature trees as possible. Along W. Schantz Avenue where vegetation screening already exists, dead trees and underbrush will be removed and enhanced with more aesthetically pleasing plant material. Likewise, a substantial tree and vegetation screen will be planted along the hillside on the east side of the site.

- G. That adequate utilities, access roads, off-street parking and loading facilities, drainage and/or other necessary facilities, have been or are being provided at the applicant's cost.

PRELIMINARY STAFF FINDINGS:

- Consistent with the Settlement Agreement signed earlier this year the building will be accessed from Sugar Camp Circle. Parking, drainage, utilities and the roadway serving the building directly are being provided at the applicant's expense. The applicant has also minimized the size of the parking lot to reflect the use of the building and expected parking demand. The building owners also have a cross-lease with OIG to use existing Sugar Camp parking spaces on those rare instances when demand may exceed capacity.



- H. That adequate measures have been or will be taken at applicant’s cost to provide ingress and egress so designed as to minimize traffic congestion in the public streets and avoid hazards to pedestrian traffic.

PRELIMINARY STAFF FINDINGS:

- Ingress and egress to the site will be from the existing signalized W. Schantz and Kramer Road intersection. Direct access to the building will be from a roadway that will connect to Sugar Camp Circle. The existing access gate opposite Maysfield Road will be removed. With the limited vehicular traffic associated with this use, no traffic analysis was needed. Moreover, with access to this site from W. Schantz, it eliminates non-residential traffic concerns previously expressed by Pointe Oakwood residents.

- I. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulation may, in each instance, be modified by Council pursuant to the recommendations of the Planning Commission.

PRELIMINARY STAFF FINDINGS:

- Throughout the planning process, the developer and owner of the building have been sensitive to compatibility issues involving Sugar Camp and the surrounding residential neighborhood. The footprint of the building and parking lot were minimized, and special efforts are being undertaken to preserve the existing large trees and to further enhance the vegetation screening on the site with additional plantings.

Mr. Stephens stated that the proposal for the land to become commercial use was part of the Settlement Agreement.

Mrs. Hilton said that she would not have any concerns in approving this application. The proposed building hours are Monday through Friday, 8-5 p.m. She shared that she was impressed with the plan, and the landscaping really makes it all fit together.

Mr. Epley stated that he supports the application.

Mr. Stephens shared that the building materials match Sugar Camp more than any other building. He added that there are multiple designs for buildings and houses throughout Oakwood. He has no problems with the building.

Mayor Duncan reiterated that the water run-off concerns that were brought up have been addressed. He mentioned that in previous conversations with Dr. John Eastman, Oakwood’s former city engineer, and environmental engineer at LJB, he would explain that underground parking is nearly impossible in Oakwood and not cost effective, given the shallow bedrock.

Mr. Epley asked for clarification about which sign will be illuminated.

Mayor Duncan clarified that only the sign on the west side will be illuminated.

It was then moved by Mayor Duncan and seconded by Mr. Stephens, with the condition that the sign on the east elevation not be lighted, application 17-2 to amend the Sugar Camp/Pointe Oakwood Master Plan with respect to a 4.3 acre parcel located east of Sugar Camp Circle and north of W. Schantz Avenue be redesignated for office use and the Special Use be granted for the purpose of constructing a 22,000 square foot, 3-story office building, be approved.

There being no further discussion, Mayor Duncan called for a vote on the motion.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. WILLIAM D. DUNCAN.....	YEA
MR. STEVEN BYINGTON .....	RECUSED
MR. ROBERT P. STEPHENS.....	YEA
MRS. ANNE HILTON .....	YEA
MR. CHRISTOPHER EPLEY .....	YEA

There being four (4) yea votes and no (0) nay votes thereon, said motion was declared duly approved and it was so ordered.



CITY MANAGER'S COMMENTS – Mr. Klopsch provided an update on the following items:

The roadway work on Shroyer Road is now completed and the street has been open for 2 – 3 weeks. All of the feedback has been very positive. The city is pleased with the work from the contractor, Barrett Paving. Mr. Klopsch thanked Public Works Inspector/Foreman Tom Long, Roadway Foreman Dave Shuey and Public Safety Captain Mike Jones for all of their hard work during the project. The irrigation installation is nearly completed, and trees and mulch will be placed in the center medians.

The Public Safety Department is addressing concerns raised at the October 2 City Council meeting regarding vehicle speeds and pedestrian safety. Captain Mike Jones has contacted each individual that expressed concerns at the meeting to gather more details. Additional information will be provided at the December 11 Council meeting.

Mr. Klopsch thanked the 30 – 40 individuals that volunteered at the Houk Stream clean-up last Saturday. It was a great turnout.

As mentioned at the September 18 council meeting, Chief Alex Bebris' last day is Friday, November 10. Chief Bebris served 11 years and was the 6<sup>th</sup> chief in Oakwood dating back to 1955. He came to Oakwood shortly after the new Oakwood City/Public Safety Building project was completed. He helped get the department set up and functioning in the new building. Chief Bebris served during challenging financial times and he was always supportive of the difficult cost-cutting decisions. Captain Alan Hill will serve as the next Oakwood Public Safety Director beginning on Friday, November 10.

COUNCIL COMMENTS

Mrs. Hilton commended Carol Collins and the Oakwood Sister City Association for coordinating a successful 45th anniversary celebration with Le Vésinet, France. She noted that Mark Risley was recently honored for his service with the Oakwood Historical Society.

Mr. Stephens expressed how grateful he is for Judy Cook's mentoring. She helped encourage him to run for City Council. He congratulated her for the honor of Cook Park.

Vice Mayor Byington agreed with Mr. Stephens. He shared that Mrs. Cook was instrumental in his decision to join City Council. He reminded everyone that tomorrow is Election Day and encouraged everyone to vote. He also asked that everyone be respectful to the poll workers.

Mayor Duncan also encouraged everyone to vote, and stated his support of yes votes on Issues 3 & 4, and no votes on Issues 1 & 2. He also thanked Mrs. Cook and said that he appreciates everything she does for the city.

The public meeting concluded at 10:14 p.m.

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL